

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

KYLE MCCLENDON,

CASE NO. 3:12-cv-364

Petitioner,

Judge Timothy S. Black

Magistrate Judge Michael R. Merz

-vs-

WARDEN, Lebanon Correctional Institution,

Respondent.

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JUDGMENT IN A CIVIL CASE

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☐ **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **Decision by Court:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendations (Doc. 2) of the United States Magistrate Judge is **ADOPTED**; the Petitioner's Objections (Doc. 4) are **OVERRULED**; the Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED and DISMISSED with Prejudice**; that any request for a certificate of appealability under 28 U.S.C. §2253(c) be **DENIED**; that any appeal be **CERTIFIED** as objectively frivolous; that any request for leave to appeal *in forma pauperis* be **DENIED**; and the case is **TERMINATED** from the docket.

Date: April 11, 2013

**JOHN P. HEHMAN, CLERK**

By: s/ M. Rogers

Deputy Clerk